

REMARKS

Rejection of claims 11-12 and 28-29 under 35 U.S.C. §102(e) as being anticipated by Lauper

The Examiner rejected claims 11-12 and 28-29 under 35 U.S.C. §102(e) as being anticipated by Lauper. Claims 12 and 29 have been canceled herein, and therefore need not be addressed.

Claim 11 recites:

11. A portable phone comprising:
 - a position detector that detects geographical position of the portable phone; and
 - a dial mechanism coupled to the position detector for selecting stored text that corresponds to a desired telephone contact, such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region and dials a second stored telephone number when the portable phone is in a second defined region.

In rejecting claims 11-12, the Examiner states that Lauper teaches the dial mechanism of claim 11, citing paragraph 30 of Lauper, stating that the telephone numbers of mobile users 12 and 13 are inherently stored at some point in the procedure, and wherein their numbers will change depending on the detected location. Applicants respectfully assert that paragraph 30 of Lauper does not read on the dial mechanism in claims 11 and 28.

In Lauper, an emergency call by a mobile user is automatically sent first to mobile devices within the vicinity of the mobile user. Thus, referring to FIG. 1 of Lauper, an emergency call made on mobile terminal 10 will be routed through a fixed device 20 to a first mobile unit 12, then to a second mobile unit 13 that is farther away. Note, however, that the mobile terminal 10 itself does not decide which mobile unit 12 and 13

to call, and therefore does not directly dial different telephone numbers for mobile units 12 and 13. The functionality in Lauper depends on the fixed device 20 (such as a central station) through which the call from the mobile users are routed.

Contrast this with claim 11, which recites a portable phone that includes the position detector and the dial mechanism. The dial mechanism in claim 11 “dials a first stored telephone number when the portable phone is in a first defined region and dials a second stored telephone number when the portable phone is in a second defined region.” Lauper has no such teaching. Lauper teaches that the mobile terminal 10 sends an emergency message to fixed device 20, which then routes the call to an appropriate mobile terminal 12 or 13 based on geographical location. In modern cell phone systems, the central station (such as fixed device 20 in Lauper) always knows the location of the mobile terminals, and performs numerous functions based on geographical position of the mobile terminals. However, claim 11 does not recite a telephone system, but a portable phone. Lauper does not teach a portable phone that dials a first number if the portable phone is in a first defined region, and that dials a second stored telephone number when the portable phone is in the second defined region. Lauper sends a message to the fixed device 20, which then decides which mobile unit 12 or 13 to ring based on their location. In Lauper, the mobile unit 10 only sends a single emergency message to the fixed device 20. Nowhere does Lauper teach or suggest that mobile unit 10 can call two different stored telephone numbers depending on the geographical location of mobile unit 10. For this reason, claims 11 and 28 are allowable over Lauper, and applicants respectfully request reconsideration of the Examiner’s rejection of claims 11 and 28 under 35 U.S.C. §102(e) as being anticipated by Lauper.

Rejection of claims 13-16 and 30-33 under 35 U.S.C. §102(e) as being anticipated by Bijanki

The Examiner rejected claims 13-16 and 30-33 under 35 U.S.C. §102(e) as being anticipated by Bijanki. Claim 13 is amended herein to recite a processor in the portable phone that determines from the position detector the geographical position of the portable phone, and that rings the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region. In the rejection, the Examiner states that Bijanki teaches a defined geographical region that is assigned a telephone number, citing col. 1 line 60 through col. 2 line 3 of Bijanki. The cited language in Bijanki discusses the selection of certain directory numbers to be employed based on current location of the mobile unit. A directory number in Bijanki is not a telephone number. To the contrary, a directory number is an identifier that is used as an index. Col. 2 lines 4-7 of Bijanki states: “Different services and prices may then be associated with each directory number, and, indirectly, with supplemental information, such as the current location of the mobile station.” Col. 2 lines 13-15 states: “Each directory number may be associated with a different level of services, with corresponding pricing differences, for example.” This language makes it clear that the directory numbers in Bijanki are not telephone numbers. As a result, Bijanki does not teach or suggest “a defined geographical region that is assigned a telephone number” as recited in claim 13. For this reasons, claim 13 is allowable over Bijanki, and applicants respectfully request reconsideration of the Examiner’s rejection of claim 13 under 35 U.S.C. §102(e) as being anticipated by Bijanki.

Claims 14-16 depend on claim 13, which is allowable for the reasons given above. As a result, claims 14-16 are allowable as depending on an allowable independent claim.

Claim 30 is amended herein to recite the steps of:

dialing the telephone number assigned to the defined geographical region; and
the portable phone causing itself to ring if the detected geographical position of the portable phone is within the defined geographical region.

In Bijanki, the portable phone does not decide whether or not to ring based whether or not the portable phone is within the defined geographical region. The decision of whether to ring a phone or not is made by some central station. For this reason, claim 30 as amended is allowable over Bijanki.

Claims 31-33 depend on claim 30, which is allowable for the reasons given above. As a result, claims 31-33 are allowable as depending on allowable independent claims.

Rejection of claims 1-2, 6, 17-18 and 22 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara in view of Alperovich B

The Examiner rejected claims 1-2, 6, 17-18 and 22 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara in view of Alperovich B. Claim 1 has been amended herein to include the limitations of claim 9. As a result, the Examiner's rejection in the office action of claims 1-2, 6, 17-18 and 22 need not be addressed. Instead, the Examiner's rejection of claim 9 is addressed here because the scope of claim 1 as amended is the same as claim 9 as originally filed, which has been canceled.

The Examiner rejected claims 9-10 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Lauper. In the rejection, the Examiner cites to Lauper as allegedly teaching the dial mechanism. However, as discussed above with reference to claims 11 and 28, the fixed device 20 in Lauper makes the decision of which phone to ring, not the phone itself. Because claims 1 and 17 as amended include the limitation of the phone itself dialing a first stored

telephone number when the portable phone is in a first defined region and dialing a second stored telephone number when the portable phone is in a second defined region, claims 1 and 17 are allowable over the combination of Kuwahara, Alperovich B and Lauper.

Claims 2, 6, 18 and 22 all depend on claims 1 and 17, which are allowable for the reasons given above. As a result, claims 2, 6, 18 and 22 are allowable as depending on allowable independent claims.

Rejection of claims 3-5, 7-8, 19-21 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Finke-Anlauff

The Examiner rejected claims 3-5, 7-8, 19-21 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Finke-Anlauff. Claims 3-5 and 7-8 depend on claim 1, which is allowable for the reasons given above. Claims 19-21 and 23-24 depend on claim 17, which is allowable for the reasons given above. As a result, claims 3-5, 7-8, 19-21 and 23-24 are allowable as depending on allowable independent claims.

Rejection of claims 9-10 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Lauper

The Examiner rejected claims 9-10 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Lauper. Claims 9-10 and 25-26 have been canceled herein, and therefore need not be addressed.

Rejection of claims 13-15 and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Alperovich A in view of Alperovich B

The Examiner rejected claims 13-15 and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Alperovich A in view of Alperovich B. Claim 13 has been amended herein to specify that the processor is in the portable phone. The functions cited in the art as allegedly reading on the processor are functions performed by the phone system (specifically, the base station), not by the phone itself. For this reason, claim 13 as amended is allowable over the combination of Alperovich A and Alperovich B.

Claim 30 has been amended herein to recite that the portable phone causes itself to ring if the detected geographical position of the portable phone is within the defined geographical region. In the cited art, this decision is made by the mobile phone network, not the portable phone. For this reason, claim 30 as amended is allowable over the combination of Alperovich A and Alperovich B.

Claims 14-15 and 31-32 depend on claims 13 and 30, respectively, which are allowable for the reasons given above. As a result, claims 14-15 and 31-32 are allowable as depending on allowable independent claims.

Rejection of claim 27 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Fitch

The Examiner rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Kuwahara and Alperovich B and further in view of Fitch. Claim 27 depends on claim 17, which is allowable for the reasons given above. As a result, claim 27 is allowable as depending on an allowable independent claim.


General Comments

The claims as amended recite specific functions of a portable phone. Many of the functions cited by the Examiner in the cited art relate to functions in a wireless phone system, specifically functions in the base station regarding how calls are routed. Applicants respectfully submit that based on the teachings of the prior art, it would not be obvious for the functions specifically recited in the claims to be performed by the portable phone itself. Should the Examiner decide to maintain any of the rejections of the pending claims, applicants urge the Examiner to specifically consider the difference between functions performed by a base station in a mobile phone network and functions performed by a portable phone so these differences may be adequately addressed on appeal.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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